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DOCKET NO. 53149

APPLICATION OF LIQUID UTILITIES LLC FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY IN MONTGOMERY COUNTY	§ § § § §	PUBLIC UTILITY COMMISSION OF TEXAS
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COMMISSION STAFF’S SUPPLEMENTAL RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS AND PROPOSED PROCEDURAL SCHEDULE

On January 26, 2022, Liquid Utilities, LLC (Liquid) filed an application for a water certificate of convenience and necessity in Montgomery County under Subchapter G of Texas Water Code Chapter 13.

On April 28, 2022, the administrative law judge (ALJ) filed Order No. 3, establishing a deadline of June 29, 2022 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation regarding the administrative completeness of the petition and to propose a procedural schedule for the further processing of this docket. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and supplemental information and, as detailed in the attached memoranda from Ethan Blanchard, Rate Regulation Division, and Jolie Mathis, Infrastructure Division, recommends that the application is administratively complete. Staff’s recommendation on administrative completeness is not a comment on the merits of the application.

II. NOTICE

At this time, Staff recommends that Liquid proceed with providing public notice to all landowners, neighboring utilities, political subdivisions, and other persons listed in the attached memorandum using the notice form provided by Ms. Mathis. Along with each individual notice, Staff recommends that Liquid provide an accurate map delineating the requested service area. Staff further recommends that Liquid publish notice of the application for two consecutive weeks in a newspaper of general circulation in Montgomery County.

Once notice has been provided, Staff recommends that Liquid file proof of notice as described in the attached memorandum, including an affidavit specifying the name and address of

every person and entity to whom notice was provided, the date that the notice was provided, and a copy of the map provided with the notice. Liquid should also provide a completed publisher's affidavit and a copy of the newspaper tear sheets demonstrating publication. Finally, Staff recommends that Liquid use the attached notices and affidavits to meet these requirements.

III. PROCEDURAL SCHEDULE

Staff recommends the application be found administratively complete. Staff therefore proposes the following procedural schedule:

Event	Date
Deadline for Liquid to file with the Commission signed affidavits that the notice was given along with a copy of the notice and map sent to the affected parties and published in a newspaper of general circulation	August 15, 2022
Deadline for Staff to file a recommendation on sufficiency of notice	August 25, 2022
Deadline to intervene	30 days after notice is issued

IV. CONCLUSION

For the reasons detailed above, Staff recommends that the application be found administratively complete, that Liquid be directed to provide notice as described in Ms. Mathis's attached memorandum, and that the proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: June 28, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Keith Rogas
Division Director

Robert Dakota Parish
Managing Attorney

/s/ Merritt Lander
Merritt Lander
State Bar No. 24106183
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7290
(512) 936-7268 (facsimile)
Merritt.Lander@puc.texas.gov

DOCKET NO. 53149

CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on June 28, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Merritt Lander
Merritt Lander

Public Utility Commission of Texas

Memorandum

TO: Merritt Lander, Attorney
Legal Division

FROM: Ethan Blanchard, Analyst
Rate Regulation Division

DATE: June 28, 2022

RE: Docket No. 53149 – *Application of Liquid Utilities, LLC to for a Certificate of Convenience and Necessity in Montgomery County*

On January 26, 2022, Liquid Utilities, LLC (Liquid) filed an application for a water certificate of convenience and necessity in Montgomery County under Subchapter G of Texas Water Code Chapter 13.

I reviewed the answers provided to questions 28, 29, 30, and 31 of the application. I did not identify any deficiencies in those answers for purposes of determining whether the application is administratively complete. Therefore, I recommend that the Commission deem the application administratively complete from a financial perspective.

Public Utility Commission of Texas

Memorandum

TO: Merritt Lander, Attorney
Legal Division

FROM: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

DATE: June 28, 2022

RE: Docket No. 53149 – *Application of Liquid Utilities LLC for a Certificate of Convenience and Necessity in Montgomery County*

On January 26, 2022, Liquid Utilities, LLC (Liquid) filed with the Public Utility Commission of Texas (Commission) an application to obtain a sewer Certificate of Convenience and Necessity in Montgomery County, Texas under Texas Water Code (TWC) §§ 13.242 through 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 through 24.237.

The requested area includes 0 customer connections and approximately 55 acres of uncertificated area.

The result of the application will be the addition of approximately 55 acres to Liquid Utilities LLC new sewer CCN.

Based on the mapping review by Hank Journeay, Infrastructure Division, maps submitted with Item 1 on January 26, 2022 are sufficient. Based on my technical and managerial review of the information filed by Liquid, I recommend that the application be deemed administratively complete. I further recommend that Liquid be ordered to do the following:

- 1) Provide notice of the application by first-class mail to the following:
 - a. Cities, districts, and neighboring retail public utilities providing the same utility service whose corporate boundaries or certificated service area are located within two miles from the outer boundary of the requested area:
 - *San Jacinto River Authority*
 - *Bluebonnet Groundwater Conservation District*
 - *Lone Star Groundwater Conservation District*

- b. The county judge of each county that is wholly or partially included in the requested area:
 - *Montgomery County Judge*
- c. Each groundwater conservation district that is wholly or partially included in the requested area:
 - *Lone Star Groundwater Conservation District*
- d. Each landowner of a tract of land that is at least 25 acres and is wholly or partly located in the requested area. Notice must be mailed to the owner of the tract of land according to the most current tax appraisal rolls of the applicable central appraisal district at the time the application was filed.
- e. Any affected parties in the requested area.

Addresses can be obtained from the Water Utility Database at <http://www.puc.texas.gov/watersearch>. District information and addresses can be obtained from the Texas Commission on Environmental Quality's (TCEQ) web site located at <https://www14.tceq.texas.gov/iwud/index.cfm>.

- 2) Publish notice once each week for two consecutive weeks in a newspaper having general circulation in the county where the requested area is located. Proof in the form of a publisher's affidavit must be filed within 30 days of the publication date. The affidavit must state with specificity each county in which the newspaper is of general circulation. Within 30 days of the date the notice was mailed, Liquid must file an affidavit specifying the notice that was provided to every person and entity to whom notice was provided and the date the notice was mailed.
- 3) Provide notice using the attached notice forms.
- 4) Provide a copy of the maps deemed sufficient during administrative review delineating the requested area with each individual notice to neighboring utilities, other affected parties, landowners, and customers.
- 5) File in the docket a copy of notice and the maps deemed sufficient during administrative review along with the signed affidavit specifying every person and entity to whom notice was provided, the date that the notice was provided, and the publisher's affidavit and tear sheets for proof of newspaper publication.

Staff may determine that additional information is needed to make a final recommendation in this docket. If additional information is needed, Staff may send requests for information (RFI) to Liquid. Liquid will have 20 days from the receipt of the RFI to respond.

Notice for Publication

NOTICE OF APPLICATION OF LIQUID UTILITIES LLC TO OBTAIN ITS
CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE SEWER UTILITY
SERVICE IN MONTGOMERY COUNTY, TEXAS

Liquid Utilities LLC has filed an application with the Public Utility Commission of Texas to obtain a Certificate of Convenience and Necessity (CCN) for the provision of retail sewer utility service in Montgomery County, Texas.

The requested area includes 0 customer connections, is located approximately 5 mile(s) west of downtown Montgomery, Texas, and is generally bounded on the north by Mount Mariah Road; on the east by Farm Road 1486; on the south by approximately 0.75 miles north of Mt. Mariah Cut Off Road; and on the west by Mount Mariah Road.

The requested area includes approximately 55 acres of uncertificated area.

The result of the application will be the addition of approximately 55 acres to Liquid Utilities LLC new sewer CCN.

A copy of the map showing the requested area is available at: Water Engineers, Inc., 17230 Huffmeister Road, Suite A, Cypress, TX 77429

Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is (30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer). You must send a letter requesting intervention to the commission which is received by that date. The letter must include the person's name, address, email address and fax number if applicable.

If a valid public hearing is requested, the Commission will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, SOAH will submit a recommendation to the Commission for a final decision. An evidentiary hearing is a legal proceeding similar to a civil trial in state district court.

A landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the requested area, may file a written request with the Commission to be excluded from the requested area ("opt out") within (30) days from the date that notice was provided by the Utility. All opt out requests must include a large-scale map, a metes and bounds description of the landowner's tract of land, landowner's name, address, email address and fax number, if applicable.

Persons who wish to request this option should file the required documents with the:

Public Utility Commission of Texas
Central Records
1701 N. Congress, P. O. Box 13326
Austin, TX 78711-3326

In addition, the landowner must also send a copy of the opt out request to the Utility. Staff may request additional information regarding your request.

Si desea información en español, puede llamar al 1-888-782-8477.

Notice to Neighboring Systems, Landowners, Customers, and Cities
NOTICE OF APPLICATION OF LIQUID UTILITIES LLC TO OBTAIN ITS
CERTIFICATE(S) OF CONVENIENCE AND NECESSITY TO PROVIDE SEWER UTILITY
SERVICE IN MONTGOMERY COUNTY, TEXAS

To: _____
(Neighboring System, Landowner, Customer or City)

(Address)

(City State Zip)

Date Notice Mailed: _____, 20__

Liquid Utilities LLC has filed an application with the Public Utility Commission of Texas to obtain a Certificate of Convenience and Necessity for the provision of retail sewer utility service in Montgomery County, Texas.

The requested area includes 0 customer connections, is located approximately 5 mile(s) west of downtown Montgomery, Texas, and is generally bounded on the north by Mount Mariah Road; on the east by Farm Road 1486; on the south by approximately 0.75 miles north of Mt. Mariah Cut Off Road; and on the west by Mount Mariah Road.

The requested area includes approximately 55 acres of uncertificated area.

The result of the application will be the addition of approximately 55 acres to Liquid Utilities LLC new sewer CCN.

See enclosed map showing the requested area.

Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is (30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer). You must send a letter requesting intervention to the commission which is received by that date. The letter must include the person's name, address, email address and fax number if applicable.

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PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, LANDOWNERS, NEIGHBORING UTILITIES, AND AFFECTED PARTIES

DOCKET NO. 53149

STATE OF TEXAS

COUNTY OF _____

_____ has provided individual notice to the following entities, landowners and customers:

DATE OF NOTICE

OATH

I, _____, being duly sworn, file this form as _____ (indicate relationship to applicant, that is, owner, member of partnership, title of officer of corporation, or other authorized representative of applicant); that in such capacity, I am qualified and authorized to file and verify such form, am personally familiar with the notices given with this application, and have complied with all notice requirements in the application and application acceptance letter; and that all such statements made and matters set for therein are true and correct.

Applicant's Authorized Representative

If the applicant to this form is any person other than the sole owner, partner, officer of the applicant, or its attorney, a properly verified Power of Attorney must be enclosed.

Subscribed and sworn to before me this _____ day of _____, 20____, to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____

PUBLIC UTILITY COMMISSION OF TEXAS



PUBLISHER'S AFFIDAVIT DOCKET NO. 53149

STATE OF TEXAS
COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared _____,

who being by me duly sworn, deposes and that (s)he is the

_____ of the _____
(TITLE) (NAME OF NEWSPAPER)

that said newspaper is regularly published in _____
(COUNTY/COUNTIES)

and generally circulated in _____, Texas;
(COUNTY/COUNTIES)

and that the attached notice was published in said newspaper on the following dates, to wit:

(DATES)

(SIGNATURE OF NEWSPAPER REPRESENTATIVE)

Subscribed and sworn to before me this _____ day of _____, 20 ____,
to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____